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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,235	02/28/2006	Kai Eck	DE 030317	2502

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

LEACH, CRYSTAL I

ART UNIT	PAPER NUMBER
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3737

MAIL DATE	DELIVERY MODE
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10/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/570,235	Applicant(s) ECK ET AL.	
	Examiner CRYSTAL I. LEACH	Art Unit 3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/16/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statements (IDS) submitted on August 16, 2007 is in compliance with 37 CFR 1.97 and 1.98. The references therein have been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipate by Strommer et al. (US 2002/0049375).

4. Regarding claims 1, 10 and 11, Strommer et al. teach a device for displaying a vessel (see abstract), comprising a) a memory in which a sequence of intravascular ultrasound images is stored (see para. [0035], [0037] and [0048]), the ultrasound images being indexed by the respective locations of their recording in the vessel (see para. [0035] and [0048]), b) a data input for information which describes a current location in the vessel, c) a display unit for displaying images of the vessel, wherein the device is designed to select from the memory at least one ultrasound image corresponding to the current location in the vessel and to display it on the display unit (see para. [0035]). See also para. [0101]; [0127]-[0128]; [0187]-[0189].

Regarding claim 2, Strommer et al. teach a device for displaying a vessel which is subject to a cyclic intrinsic movement that can be characterized by a parameter, in

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particular a device as claimed in claim 1, comprising a) a memory in which a sequence of intravascular ultrasound images is stored, the ultrasound images being indexed by the respective values of the parameter of the intrinsic movement at the time of recording, b) a data input for the parameter of the intrinsic movement, c) a display unit for displaying images of the vessel, wherein the device is designed to select from the memory at least one ultrasound image corresponding to the current value of the parameter of the intrinsic movement and to display it on the display unit (see para. [0034]-[0035], [0037], [0048], [0101]; [0127]-[0128]; [0187]-[0189]).

Regarding claim 3, Strommer et al. teach an electrocardiograph for recording a parameter that characterizes the heart phase and/or a breathing sensor for recording a parameter that characterizes the breathing phase (see fig. 1).

Regarding claim 4, Strommer et al. teach an intravascular ultrasound probe for generating the ultrasound images stored in the memory (see para. [0187]).

Regarding claim 5, Strommer et al. teach an X-ray device for generating projection images of the vessel (see para. [0101]).

Regarding claim 8, Strommer et al. teach a data input for a current image of the vessel and is designed to determine from the current image, as the current location, the position of an object of interest (see fig. 20 and para. [0257] and [0259]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strommer et al. (US 2002/0049375).

Strommer et al. teach the features of claim 1 and also teach an embodiment wherein angiograms of the vessel can be utilized (see para. [0191]). It would be obvious to one of ordinary skill in the art that the angiograms can be utilized in much the same way as aforementioned in the cyclic intrinsic movement parameter.

Strommer et al. do not explicitly teach the use of a contrast agent. However, it would be obvious to one of ordinary skill in the art that Strommer et al. teach producing angiograms (see para. [0191]) and since it is common practice to inject contrast agent in a vessel during angiography to produce an angiogram, it is implied that Strommer et al. supports system comprising a device capable of injecting contrast agent into a vessel in order to better view the vessel in an image.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eaton et al. (5,876,345) teach an ultrasonic catheter, system and method for two-dimensional imaging or three-dimensional reconstruction; Abend et al. (6,682,483) teach a device and method for mapping and tracking blood flow and determining parameters of blood flow.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CRYSTAL I. LEACH whose telephone number is

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(571)272-5211. The examiner can normally be reached on Monday through Friday, 8 am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRIAN CASLER/
Supervisory Patent Examiner, Art
Unit 3737

/Crystal I Leach/
Examiner, Art Unit 3737